

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

DANIELLE L. KRAMER O'MARA,

Plaintiff,

v.

Case No. 2:16cv489

**VIRGINIA DEPARTMENT OF
CORRECTIONS,**

Defendant.

ORDER

This matter comes before the court on defendant's Motion to Dismiss (ECF No. 6) filed on September 23, 2016. The matter was referred to a United States Magistrate Judge by Order of October 11, 2016, (ECF No. 13), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the Motion to Dismiss.

The United States Magistrate Judge's Report and Recommendation (ECF No. 28) was filed on February 2, 2017. The Magistrate Judge recommended that the court deny defendant's Motion to Dismiss.

By copy of the Report and Recommendation of the Magistrate Judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing

same has expired. The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed February 2, 2017. Accordingly, defendant's Motion to Dismiss is **DENIED**.

The Clerk shall forward a copy of this Order to all parties of record.

It is so **ORDERED**.

/s/

Rebecca Beach Smith

Chief Judge

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REBECCA BEACH SMITH
CHIEF JUDGE

February 22, 2017